

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

DEREK COPPINS,

Petitioner,

v.

9:20-CV-0736
(GTS/DJS)

WILLIAM LEE,

Respondent.

APPEARANCES:

DEREK COPPINS, 17-A-0399

Petitioner, *Pro Se*
Eastern NY Correctional Facility
Box 339
Napanoch, New York 12458

HON. LETITIA A. JAMES
Attorney General for the State of New York
Counsel for Respondent
28 Liberty Street
New York, New York 10005

GLENN T. SUDDABY, Chief United States District Judge

OF COUNSEL:

DENNIS A. RAMBAUD, ESQ.
Assistant Attorney General

Currently before the Court in this habeas corpus proceeding filed by Derek Coppins (“Petitioner”) pursuant to 28 U.S.C. § 2254, are (1) the Report-Recommendation of United States Magistrate Judge Daniel J. Stewart recommending that the Petition be denied and dismissed because Petitioner’s claim involves a question of state procedural law that is not cognizable in a federal habeas corpus proceeding, and recommending that no Certificate of Appealability be issued, (2) Petitioner’s (one-page) Objection to the Report-Recommendation, and (3) his motion

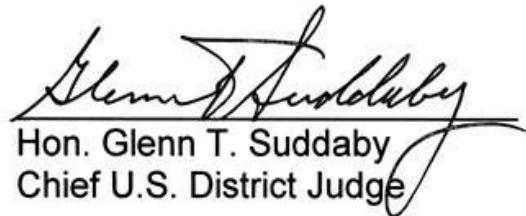
for the appointment of counsel. (Dkt. Nos. 13, 14, 15.) After carefully reviewing the relevant papers herein, including Magistrate Judge Stewart's thorough Report-Recommendation, the Court can find no error in the Report-Recommendation, clear or otherwise: Magistrate Judge Stewart employed the proper standards, accurately recited the facts, and reasonably applied the law to those facts. As a result, the Report-Recommendation is accepted and adopted in its entirety for the reasons set forth therein, the Petition is denied and dismissed, and Petitioner's motion for the appointment of counsel is denied as moot (and alternatively as unsupported by a showing of cause).

ACCORDINGLY, it is

ORDERED that Magistrate Judge Stewart's Report-Recommendation (Dkt. No. 13) is **ACCEPTED** and **ADOPTED** in its entirety; and it is further
ORDERED that Petitioner's Petition for a writ of habeas corpus (Dkt. No. 1) is **DENIED** and **DISMISSED**; and it is further
ORDERED that Petitioner's motion for the appointment of counsel (Dkt. No. 15) is **DENIED**.

The Court declines to issue a Certificate of Appealability because Petitioner has not made a substantial showing of the denial of a constitutional right pursuant to 28 U.S.C. § 2253(c)(2).

Dated: June 17, 2021
Syracuse, New York


Hon. Glenn T. Suddaby
Chief U.S. District Judge